IN THE HIGH COURT OF JUDICATURE AT BOMBAY

TESTAMENTARY AND INTESTATE JURISDICTION

CHAMBER SUMMONS NO.305 OF 2004
IN
NOTICE OF MOTION NO.1183 OF 2001
IN
PETITION (L) NO.916 OF 2000

Nargis Hasanali Nathani & Anr. .. Petitioners

Vs.

Shirin A.Nathani & Ors. .. Respondents

And

Union Bank of India .. Applicants

Mr.K.K.Shroff i/b Firdosh & Co. for the petitioners

None for the applicant

CORAM : S.U.KAMDAR, J

DATED : 9TH JUNE 2005

P.C.:

1. The present Chamber Summons is taken out by the applicant to be added as a party in Notice of Motion No.1183 of 2001. Prayer clause (c) of Notice of Motion seeks relief for encashment of National Savings Certificate standing in the name of the deceased and various further reliefs pertaining to the amount of the said National

Savings Certificate.

2. Applicant bank in the present Chamber Summons claims that they had charge in respect of the said National Savings Certificate and thus, they are interested parties. In view thereof, in my opinion, it is necessary that applicant be added as party in Notice of Motion. The issue whether the applicant as party has valid right in the said certificate or not is left open to be decided at the hearing of the said Notice of Motion No.1183 of 2001. Chamber Summons is disposed of accordingly. Petitioner is directed to amend the motion within a period of one week from today.